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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/403,011	10/15/1999	MITSURU UESUGI	P18583	6737

7055 7590 05/20/2003

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER

WEST, LEWIS G

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 05/20/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

82

Office Action Summary

Application No.

09/403,011

Applicant(s)

UESUGI ET AL.

Examiner

Lewis G. West

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 05 March 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments with respect to claims 12-14 have been considered but are moot in view of the new ground(s) of rejection. The new rejection was necessitated because applicant presented entirely new claims, and all previously rejected claims were cancelled.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12-14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Takai et al. (US 5771,451)

Regarding claim 12, Takai discloses a radio communication system comprising: a first base station (BSA, 1) from which a handover starts; a second base station (BSB, 2) at which the handover ends; and a mobile station (MS, 3) that combines a signal from said first base station and a signal from said second base station while the handover is in progress, wherein, said first base station gradually reduces power levels of signals transmitted to said mobile station as said mobile station moves further from said first base station, and said second base station gradually increases power levels of signals transmitted to said mobile station as said mobile station moves closer to said second base station to keep the combined signal obtained in said mobile station at a desired quality level. (Col. 9 line 8-col. 10 line 13)

Regarding claim 13, Takai discloses a base station for use in the radio communication system of claim 12, comprising: a receiver that receives a transmission power control signal transmitted from the mobile station; and a transmission power controller that controls a transmission power level of a downlink signal, in accordance with the transmission power control signal, such that said transmission power level decreases as said mobile station moves further from said base station. (Col. 10 lines 28-50)

Regarding claim 14, Takai discloses a communication method comprising: transmitting a signal from a first base station (BSA, 1) to a mobile station (MS, 3); transmitting a signal from a second base station (BSB, 2) to the mobile station (MS, 3); processing a handover from the first base station to the second base station; combining the signal from the first base station and the signal from the second base station while the handover is in progress, wherein, said first base station gradually reduces power levels of signals transmitted to said mobile station as said mobile station moves further from said first base station, and said second base station gradually increases power levels of signals transmitted to said mobile station as said mobile station moves closer to said second base station to keep the combined signal obtained in said mobile station at a desired quality level. (Col. 9 line 8-col. 10 line 13)

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sundelin et al (6,144,861) discloses a system wherein the transmissions from two base stations are combined and a constant power level is provided to the mobile station.

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis G. West whose telephone number is 703-308-9298. The examiner can normally be reached on Monday-Thursday 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

Application/Control Number: 09/403,011


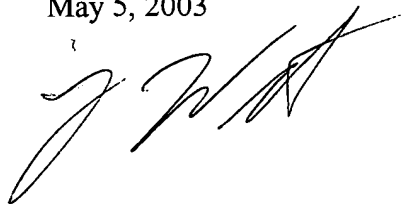
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Lewis West

(703) 308-9298

May 5, 2003



VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600
5/13/03